

**PL Sum. J.**

**Ex. 034**



**Transcript of John Park 30(b)(6)**

Thursday, August 25, 2022

***W.K. v. Red Roof Inns, Inc***

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Reference Number: 119767

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

W.K., E.H., M.M., R.P., )

M.B., D.P., A.F., C.A., )

R.K., K.P., and T.H. , )

Plaintiffs, ) Civil Action File No.

vs. ) 1:20-cv-5263-MHC

RED ROOF INNS, INC., ) JURY TRIAL DEMANDED

FMW RRI NC, LLC, RED ROOF ) Pursuant to Fed. R.

FRANCHISING, LLC, RRI WEST ) Civ. P. 38

MANAGEMENT, LLC, VARAHI )

HOTEL, LLC, WESTMONT )

HOSPITALITY GROUP, INC., )

and RRI III, LLC, )

Defendants. )

JANE DOE 1-4, ) Civil Action File No.

Plaintiffs, ) 1:21-cv-04278-WMR

vs. ) JURY TRIAL DEMANDED

RED ROOF INNS, INC., et al,) Pursuant to Fed. R.

Defendants. ) Civ. P. 38

ZOOM 30(b)(6) VIDEOCONFERENCE DEPOSITION OF

FMW RRI NC, LLC

BY

JOHN PARK

1

2

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ZOOM 30(b)(6) VIDEOCONFERENCE DEPOSITION OF

4

FMW RRI NC, LLC

5

BY

6

JOHN PARK

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(Taken by Plaintiffs)

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August 25, 2022

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9:04 a.m.

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Deposition held via Zoom Videoconference

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23 Reported by:

24

F. Renee Finkley, RPR, RMR, CRR, CLR, CCR-B-2289

25

(Via Videoconference)

1 APPEARANCES:

2

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4 Jane Doe 1 through 4 matters:

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14 On behalf of the defendants Red Roof Inns, Inc., FMW  
15 RRI NC, LLC, RRI III, LLC, RRI West Management, LLC  
16 and Westmont Hospitality Group, Inc. in the Jane  
17 Doe 1 through 4 cases and any cases that Ms. Hoying  
18 is appearing on:

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1 APPEARANCES (continued):

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4 RRI NC, LLC, RRI III, LLC, RRI West Management, LLC  
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6 Doe 1 through 4 cases and any cases that Ms. Hoying  
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3 On behalf of the Plaintiffs in the JA, CP and WR  
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12 Also Present:

13 AMY LAGALA (Via Videoconference)

14 Videographer

15

16 NICHOLAS KOLITSOS (Via Videoconference)

17 Corporate counsel for Red Roof Inn

18

19 BETH RICHARDSON (Via Videoconference)

20 Senior Paralegal

21 Bondurant Mixson & Elmore LLP

22

23

24

25

1 joint venture between Dune Real Estate Partners and  
2 Westmont, correct?

3 MR. ALLUSHI: Objection to form.

4 THE WITNESS: Yes.

5 Q. (By Mr. Varghese) And RRI III, LLC owns  
6 the Red Roof Inns location based on Druid Hills Road  
7 in Atlanta, Georgia, correct?

8 MR. ALLUSHI: Objection to form. Are you  
9 asking now?

10 Q. (By Mr. Varghese) Mr. Park, has RRI III,  
11 LLC owned the Red Roof Inn location located on North  
12 Druid Hills Road in Atlanta, Georgia?

13 A. Again, clarify. Are you saying owned  
14 prior, during the 2010 to 2018?

15 Q. That's right. That's the time period I'm  
16 interested in.

17 A. Yes.

18 Q. Okay. So from 2010 to 2018, the Red Roof  
19 Inn location on North Druid Hills Road was owned by  
20 RRI III, LLC?

21 A. Yes.

22 Q. And RRI III, LLC leased that hotel  
23 location to RRI Opco, LLC, correct?

24 A. Yes.

25 Q. Staying with Exhibit 330, Mr. Park, [REDACTED]

1

2

?

3

MR. ALLUSHI: Objection to form.

4

THE WITNESS: Yes.

5

Q. (By Mr. Varghese) Mr. Park, does Westmont Investments, LLC control RRI West Management, LLC?

7

MR. ALLUSHI: Same, objection to the form.

8

9

MR. VARGHESE: What's the basis for the objection?

10

MR. ALLUSHI: I -- I don't know what

11

control is.

12

Q. (By Mr. Varghese) Mr. Park, will you describe for me the relationship between Westmont Investments, LLC and RRI West Management, LLC?

15

A. RRI West Management, LLC is wholly-owned by Westmont Investments, LLC.

17

Q. Is it controlled by Westmont Investments, LLC?

19

MR. ALLUSHI: Objection to form and objection to beyond the scope.

21

Q. (By Mr. Varghese) Mr. Park, you're the corporate representative today for RRI West Management, LLC, correct?

24

A. Yes.

25

MR. ALLUSHI: Objection. He's not the



1 A. Yes.

2 Q. The next document I'd like to look at is  
3 in envelope number 36, and this will be Exhibit 332.

4 (Exhibit 332 was marked for  
5 identification.)

6 Q. (By Mr. Varghese) Mr. Park, will you  
7 please describe it Exhibit 332 for me?

8 A. This is a property management agreement  
9 between Atlanta Druid Hills, which, again, between  
10 RRI Opco, LLC and RRI West Management, LLC.

11 Q. And as we discussed earlier, RRI III, LLC  
12 leased the Druid Hills Red Roof location to RRI Opco,  
13 correct?

14 A. Correct.

15 Q. And then RRI Opco entered into this  
16 management agreement with RRI West Management,  
17 correct?

18 A. Correct.

19 Q. And the agreement is for the management of  
20 the Red Roof Inn location on North Druid Hills Road,  
21 correct?

22 A. Yes.

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 MR. ALLUSHI: And Sachin, again, I -- I  
2 don't want to interrupt you, but, I mean, we  
3 will stipulate that these documents state  
4 exactly what you're saying. In the interest of  
5 saving time, if you want us to stipulate that  
6 these documents say that these are officers of  
7 these companies, we -- we would stipulate to  
8 that.

9 MR. VARGHESE: Thanks, Adi. I'm going to  
10 ask my questions, but I appreciate it.

11 Q. (By Mr. Varghese) Mohamed Thowfeek is an  
12 officer of Red Roof Franchising, correct?

13 A. Yes.

14 Q. And Dorraine Lallani as well?

15 A. Yes.

16 Q. And George Limbert?

17 A. For LL -- Franchising LLC?

18 Q. Correct.

19 A. Yes.

20 MR. ALLUSHI: I'm going to object to the  
21 form there, but go ahead.

22 Q. (By Mr. Varghese) Mr. Park, during the  
23 period from 2010 to 2018, who are the directors for  
24 RRI West Management, LLC?

25 A. I will need the minutes. I mean, I will

1 need the minutes.

2 Q. I -- I would need those, too, and I could  
3 tell you and show you, but I -- I don't think I have  
4 them. And so I'm asking you as the corporate  
5 representative whether you know who the directors  
6 were during 2010 to 2018?

7 A. Again, I don't want to be inaccurate, so  
8 I -- I can't by memory. I -- I would need to look at  
9 a document.

10 Q. And you have no document that you prepared  
11 for this deposition to assist you with the answer to  
12 that question, correct?

13 A. Yes.

14 Q. Can you tell me who any of the officers of  
15 RRI West Management, LLC are during the relevant time  
16 period?

17 A. Again, I -- I don't want to make a  
18 mistake, so -- again, I -- I don't want to presume,  
19 Sachin.

20 Q. No, I -- I understand what you're saying.  
21 And -- and to be clear, as the corporate  
22 representative for RRI West Management, you're not  
23 prepared today to testify as to who any of the  
24 officers of the corporation are during the time  
25 period, correct?

1 MR. NOVAY: Objection, form.

2 Mischaracterizes his testimony.

3 Q. (By Mr. Varghese) Mr. Park, will you  
4 identify for me any of the officers of RRI West  
5 Management, LLC from 2010 to 2018?

6 MR. NOVAY: He -- I believe he just  
7 testified he would have to refer to documents to  
8 refresh his recollection so he would not make a  
9 mistake. Isn't that what he just said?

10 Q. (By Mr. Varghese) You can answer the  
11 question, Mr. Park.

12 A. That's exactly what I said. As I said, I  
13 cannot -- I don't want to make a mistake. Hence, I  
14 need the documents to answer that question.

15 Q. Which documents are you referencing?

16 A. I will need the minutes.

17 Q. Are those documents you reviewed in  
18 preparation for today's deposition?

19 A. I -- I did -- I can't remember. Like I  
20 said, I've been through a lot of documents, so I  
21 do -- I do not know if I've actually reviewed it or  
22 not.

23 Q. I mean, I've never -- I've never seen  
24 them, so I'm curious if you have.

25 MR. ALLUSHI: Well, for the record, we --

1 we've produced everything we have, Sachin. So I  
2 mean, you know, obviously he said he doesn't  
3 remember if he recalls. I mean, you know, I  
4 know you're not trying to just trap him into  
5 saying something; but, I mean, we've produced  
6 everything we have. To the extent that they --  
7 we don't have them, we don't have them so --

8 Q. (By Mr. Varghese) Does RRI West  
9 Management maintain minutes of its corporate  
10 meetings, Mr. Park?

11 MR. ALLUSHI: Objection, beyond the scope.  
12 You can answer if you know.

13 Q. (By Mr. Varghese) Those are the documents  
14 you said you would need to reference to be able to  
15 identify for me who the directors and officers are,  
16 correct?

17 A. Yes.

18 Q. Are there any other documents you can  
19 reference to identify the directors and officers of  
20 RRI West Management?

21 A. Not that I -- not that I can think of.

22 Q. And without a specific document in front  
23 of you, you can't identify any officer of RRI West  
24 Management, correct?

25 MR. NOVAY: Objection, form. You can

1 answer.

2 THE WITNESS: Again, I do not want to  
3 guess.

4 Q. (By Mr. Varghese) And so the answer is,  
5 yeah, you will not identify a single officer for RRI  
6 West Management, correct?

7 MR. NOVAY: Objection, form. You can  
8 answer.

9 THE WITNESS: Yes.

10 Q. (By Mr. Varghese) And you will not  
11 identify a single director of RRI West Management,  
12 correct?

13 A. Yes.

14 Q. You're also here today, Mr. Park, as the  
15 corporate representative for FMW RRI NC, LLC,  
16 correct?

17 A. Yes.

18 Q. Who served as its directors from 2010 to  
19 2018, or during that period?

20 A. Do we have the -- do we have the  
21 agreement?

22 Q. Which agreement are you referencing?

23 A. I'm talking about the minutes.

24 Q. I don't have any minutes, but I don't know  
25 if -- if you have them.

1 Franchising, correct?

2 A. Yes.

3 Q. Does Red Roof Inns, Incorporated obtain  
4 any revenue derived from those fees?

5 A. Ultimately, yes.

6 Q. Franchise locations that are managed by  
7 RRI West Management pay a management fee to RRI West,  
8 correct?

9 A. Yes.

10 Q. And that management fee is derived as a  
11 percentage of gross room revenues, correct?

12 A. Yes. The calculation is derived by using  
13 gross room revenue.

14 Q. So let's start with -- I won't yell,  
15 Varahi, to scare Shane, but let's start with Varahi.  
16 Document number 57, which I believe we looked at  
17 previously -- I'm sorry, I don't know that we have.

18 MR. ALLUSHI: Are you looking for the  
19 franchise agreement?

20 MR. VARGHESE: I -- I am, and I don't --

21 MR. ALLUSHI: 333, Sachin.

22 MR. VARGHESE: Thank you.

23 Q. (By Mr. Varghese) And Mr. Park, this is  
24 the franchise agreement between Red Roof Franchising  
25 and Varahi Hotel, correct?

1 A. Yes.

2 Q. And if you turn to Section 4 of this  
3 agreement, which begins on the page ending in Bates  
4 428.

5 A. Yes.

6 Q. [REDACTED]  
7 [REDACTED]

8 A. Correct.

9 Q. [REDACTED]

10 [REDACTED] correct?

11 A. Yes.

12 Q. [REDACTED]

13 A. Yes.

14 Q. [REDACTED]

15 A. Yes.

16 Q. [REDACTED]

17 A. Yes.

18 Q. [REDACTED]

19 A. Yes.

20 Q. [REDACTED]  
21 [REDACTED]  
22 [REDACTED] as  
23 [REDACTED]

24 A. [REDACTED]  
25 [REDACTED]



1 total companies. That's all that this shows.

2 Q. (By Mr. Varghese) Will you take a look at  
3 the document in envelope number 61, please? And this  
4 will be Exhibit 339.

5 (Exhibit 339 was marked for  
6 identification.)

7 Q. (By Mr. Varghese) Exhibit 339 is a  
8 December 2014 Red Roof Inn franchise operations  
9 executive summary, correct?

10 A. Correct.

11 Q. If you turn to the page ending in Bate  
12 083, [REDACTED]

13 [REDACTED]

14 MR. ALLUSHI: What page did you say,  
15 Sachin?

16 MR. VARGHESE: 083.

17 THE WITNESS: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. (By Mr. Varghese) [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR. ALLUSHI: Objection, form.

25 THE WITNESS: [REDACTED]

1

2

Q. (By Mr. Varghese)

3

4

5

A.

6

Q. How much total revenue did Red Roof

7

Franchising obtain from the Smyrna location in FY

8

2012?

9

A. Are you talking about royalty per se,

10

royalty?

11

Q. No. I'm asking about total revenue from

12

all fees.

13

A. I -- I don't have that information in

14

front of me. I would need to -- I would need

15

documents.

16

Q. But that's a report that you could create

17

and produce to the plaintiffs in this case, correct?

18

A. I -- I would have to look into it.

19

Q. Red Roof -- does Red Roof Franchising

20

track the payments it receives from each of its

21

franchisees?

22

A. Yes.

23

Q. So sitting here today, you're not in a

24

position to identify the total revenue obtained by

25

Red Roof Franchising from either the Smyrna location

## D I S C L O S U R E

STATE OF GEORGIA ) DEPOSITION OF

HENRY COUNTY ) JOHN PARK

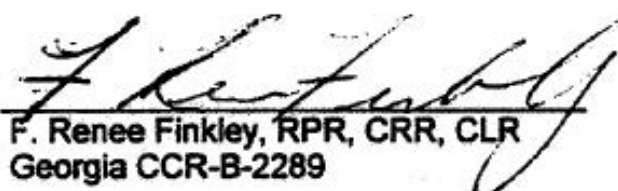
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I am a Georgia Certified Court Reporter. I am here as a representative of TrustPoint Reporting.

TrustPoint Reporting was contacted by the offices of Bondurant, Mixson & Elmore, LLP to provide court reporting services for this deposition. TrustPoint Reporting will not be taking this deposition under any contract that is prohibited by O.C.G.A. 9-11-28 (c).

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F. Renee Finkley, RPR, CRR, CLR  
Georgia CCR-B-2289

## C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF HENRY:

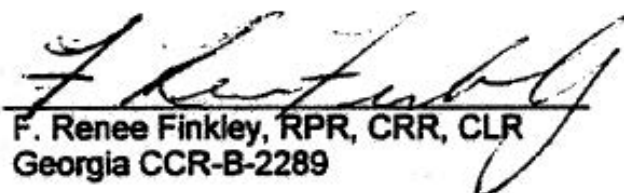
I, F. Renee Finkley, a Certified Court Reporter in and for the State of Georgia, do hereby Certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That said deposition was taken before me at the time and place set forth and was taken down by me in shorthand and thereafter reduced to computerized transcription under my direction and supervision, and I hereby certify the foregoing deposition is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am not of kin or counsel to the parties in the case, and I am not in the regular employ of counsel for any of the said parties, nor am I in any way financially interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of August, 2022.

  
F. Renee Finkley, RPR, CRR, CLR  
Georgia CCR-B-2289